

REMARKS/ARGUMENTS

The Examiner has delineated the following inventions as being patentably distinct.

Group I, Claims 1-20, drawn to a catalyst support, classified in class 502, subclass 439+.

Group II, Claims 21-31, drawn to a catalyst, classified in class 502, subclass 325+.

Group III, Claims 32-46, drawn to a method of generating H<sub>2</sub> using a catalyst, classified in class 423, subclass 652+.

Applicants provisionally elect with traverse the inventions of Group II, Claims 21-31, in view of the following arguments why all of the claims should be examined together.

The claims of Group II are integrally linked with the claims of Groups I and III. The catalyst, the catalyst's support are the functions which the catalysts perform should be viewed collectively, i.e., a single entity, and should be examined together. There is a commonality that exists between Groups I-III. It is a technical relationship that involves the same features, and it is this technical feature that defines the contribution which each of the groups taken as a whole makes over the prior art. Claims to the necessary process for producing a product of the process must be examined together with the claims of the stated invention.

The Examiner simply alleges that the catalyst support and method of making said support is a distinct invention from the catalyst per se and its catalytic function. The Examiner has failed to recognize that the catalyst and its specific support must be viewed collectively in order to perform the specific catalytic function. Catalysis is general considered unpredictable merely from the chemical nature of the catalyst. To separate the catalyst from its specific support could modify the nature of the catalyst. The Examiner should view the entire invention as a whole because it functions as a whole, as a single entity.

Restriction is only proper if the claims to the restricted groups are independent or patentably distinct and there would be a serious burden placed on the Examiner if restriction

is not required (M.P.E.P. § 803). The burden of proof is on the Examiner to provide reasons and/or examples to support any conclusions in regard to patentable distinctness (M.P.E.P. § 803). The catalyst in combination with the specific support are considered to be a critical element for the method of generating H<sub>2</sub>. To allege that the inventions of Group I and III are unrelated would mean not recognizing the specific function that the catalyst must be used for. The Examiner has failed to provide reason why the catalyst and its particular function must be considered as a separate invention when it has not been shown by example that the catalyst can be used for other functions or that H<sub>2</sub>, this particularly claimed process, can be generated using different catalyst/catalyst support combination. To simply allege a different product/process relationship is not sufficient to support separate inventions, and the Office has failed to show that a burden exists in searching all of the claims.

For the reasons set forth above, Applicants request that if the invention of Group II is found allowable, withdrawn Groups I and III, which include the limitations of the allowable claims be rejoined.

Applicants submit that the above-identified application is now in condition for examination on the merits, and an early notice of such action is earnestly solicited.

Respectfully submitted,

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